

EXPRESS TERMS
FOR
California Code of Regulations

TITLE 21. PUBLIC WORKS
DIVISION 1. DEPARTMENT OF GENERAL SERVICES
CHAPTER 1. (begin strikeout) OFFICE (end strikeout) DIVISION OF THE STATE ARCHITECT
SUBCHAPTER 2.5. VOLUNTARY CERTIFIED ACCESS SPECIALIST PROGRAM

LEGEND FOR EXPRESS TERMS

1. New amendments: All such language appears (begin underline) underlined. (end underline)
2. Repealed text: All such language appears in (begin strikeout) ~~strikeout~~. (end strikeout)

Program Regulations

Article 1 – General Provisions

Section 111. Purpose of the (begin strikeout) ~~Chapter~~ (end strikeout) **Subchapter.**

These regulations are adopted by the Division of the State Architect to implement and make specific the voluntary Certified Access Specialist Program commencing with Section 4459.5 of the Government Code. Participation in (begin strikeout) ~~this program~~ (end strikeout) (begin underline) the Program (end underline) is voluntary and is designed to ensure that the individuals participating in (begin strikeout) ~~this certification program~~ (end strikeout) (begin underline) the Program (end underline) are knowledgeable of state and federal accessibility laws and regulations and possess the expertise to (begin strikeout) ~~promote access~~ (end strikeout) (begin underline) evaluate accessibility (end underline) to facilities for persons with disabilities.

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 112. Authority.

The State Architect is responsible for determining the criteria for eligibility and certification of individuals participating in (begin strikeout) ~~this voluntary Certified Access Specialist Program~~ (end strikeout) (begin underline) the Program (end underline) pursuant to the provisions of (begin strikeout) ~~Chapter 7, Division 5, Title 1,~~ (end strikeout) Government Code, Section 4459.5. Certification shall only be granted by the (begin strikeout) ~~voluntary Certified Access Specialist Program, which operates within the Division of the State Architect.~~ (end strikeout) (begin underline) State Architect or Designee. (end underline)

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

Section 113. CASp Scope of Work.

Services rendered by a CASp, upon authorization by a (begin strikeout) ~~facility owner and/or authorized~~ (end strikeout) requesting party, may include the following:

- a) Review of facility plans and specifications for compliance with state and federal accessibility laws, (begin underline) standards, (end underline) codes, and regulations.
- b) Investigate a facility for compliance with state and federal accessibility (begin underline) laws, standards, (end underline) codes and regulations.
- c) Conduct accessibility research, prepare accessibility reports, and/or conduct accessibility inspections, as authorized.
- (begin underline) d) Issuance of an inspection report and Disability Access Inspection Certificate in accordance with the requirements of the Construction-Related Accessibility Standards Compliance Act (CA Civil Code 55.51-55.545). (end underline)

Authority: Section 4459.5, Government Code

Reference: Section 4459.5, Government Code (begin underline); Sections 55.51-55.545, Civil Code (end underline)

Section 114. Work Limited to Design Professionals.

Individual design professionals licensed and/or registered by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer may provide professional design services permitted by their applicable license or registration. Their services may be inclusive of Section 113 (begin strikeout) ~~CASp Scope of work~~ (end strikeout)(begin underline) items (a), (b), and (c). (end underline)(begin strikeout) ~~However CASp certification requires completing the application process and obtaining a passing score on the CASp examination, and after payment of all required fees.~~ (end strikeout)(begin underline) In order to obtain certification and use the CASp designation, compliance with the provisions of this Subchapter is required. CASp certification is required to perform the services stipulated in Section 113(d). (end underline)

Authority: Section 4459.5, Government Code

Reference: (begin strikeout) Section 4459.8(a), Government Code (end strikeout)(begin underline) Section 4459.5, Government Code; Sections 55.51-55.545, Civil Code (end underline)

Article 2 – Definitions

Section 121. Definitions.

As used in this (begin strikeout) ~~Chapter~~ (end strikeout)(begin underline) Subchapter, (end underline) the term:

(begin strikeout) ~~“Access Requirement” means a provision for disability access in federal or state law, regulation, building code or government standard, applicable to the design, construction or inspection of facilities.~~ (end strikeout)

“**Certified Access Specialist (CASp)**” means any individual currently holding a (begin underline) valid certificate of Certified Access Specialist (begin underline) issued by the State Architect or Designee. (end underline)

“**Facility**” means all or any portion of buildings, (begin underline) structures, (end underline) site improvements, (begin strikeout) ~~roads, walks, passageways, or parking lots.~~ (end strikeout) (begin underline) elements, and pedestrian routes or vehicular ways located on a site. (end underline)

“**GED**” means General Equivalency Diploma.

“**Program**” means the voluntary Certified Access Specialist Program (begin underline) established and administered by the Division of the State Architect. (end underline)

(begin underline) “Disability Access Inspection Certificate” is a certificate of inspection issued through services provided in accordance with the requirements of the Construction-Related Accessibility Standards Compliance Act (Civil Code 55.51-55.545). (end underline)

Authority: Section 4459.5, Government Code

Reference: Section 4459.5, (begin strikeout) and 4459.7(e), (end strikeout) Government Code (begin underline); Sections 55.51-55.545 Civil Code (end underline)

Article 3 – Certification Process

Section 131. Candidate Eligibility Application.

(begin strikeout) In order to apply to be a CAsp, candidates must submit a completed Candidate Eligibility Application form, Form DSA 600, 1/05/08 to establish eligibility for the certification examination. (end strikeout)

(begin underline) To begin the certification process, and in order to establish eligibility for the Program, candidates must submit:

- a) A completed form DSA 600-A: CAsp Eligibility Application (05/16/14).
- b) Payment of the application fee corresponding to the candidate's eligibility category. (end underline)

Authority: (begin strikeout) Section 480 and 481, Business and Professions Code, and (end strikeout) Section 4459.5 Government Code
Reference: (begin underline) Section 4459.5, Government Code; (end underline) Sections 493, 480, and 481, Business and Professions Code

[LANGUAGE FROM SECTION 132 IS BEING REORGANIZED & RELOCATED TO SECTION 161(d) and (i).]

(begin strikeout) **Section 132. Criminal Convictions.**

- a) The State Architect or Designee may deny acceptance of an applicant into the Program because of a criminal conviction as set forth in Section 151 (a) (2).
- b) The State Architect or Designee shall require the applicant or certificate holder to provide documents concerning criminal convictions as set forth in Section 151 (a) (2) including, but not limited to, certified court documents, certified court orders or sentencing documents. Failure to provide those documents shall result in application denial, certificate suspension, or denial of certification renewal.

Authority: Section 480 and 481, Business and Professions Code, and Section 4459.5 Government Code
Reference: Section 493, 480, 481, 7066, 7069, 7073, and 7153.1, Business and Professions Code (end strikeout)

(begin strikeout) **Section 133. Education and Experience.**

Minimum candidate education and experience eligibility for examination acceptance may be satisfied by: (end strikeout)

(begin underline) **Section 132. Candidate Eligibility Qualifications.**

Eligibility for the Program is evaluated according to the minimum criteria specified in one of the following eligibility categories A-D: (end underline)

(begin strikeout) **EITHER:**

~~(A)1~~ (end strikeout)(begin underline) **(A)** (end underline) **Education:** Thirty semester units of college coursework with major work in Architecture, Architectural Technology, Building Science, City and Regional Planning, Civil Engineering, Construction Management, Environmental Design, Industrial Design, Interior Architecture/Design, Landscape Architecture, Urban and Regional Design; and

(begin strikeout) ~~(A)2~~ (end strikeout) **Experience:** Two years of employment

- a) by a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) by a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or
- c) as a California licensed general contractor (Class A or B); or
- d) by a California licensed general contractor (Class A or B) as a superintendent with project management oversight.

(begin strikeout) **OR:**

~~(B)1~~ (end strikeout) (begin underline) **(B)** (end underline) **Education:** High school diploma or GED; and

(begin strikeout) ~~(B)2~~ (end strikeout) **Experience:** Four years of employment:

- a) by a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) by a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or
- c) as a California licensed general contractor (Class A or B); or
- d) by a California licensed general contractor (Class A or B) as a superintendent with project management oversight.

(begin strikeout) ~~(C) Three years of employment in a specialized area of disability access rights, conducting assessments of facilities to determine adequacy related to the specific needs of the disability community.~~

~~OR:~~ (end strikeout)

(begin underline) **(C)** High school diploma or GED and three years of employment in a specialized area of disability access which includes assessments of facilities to determine compliance with applicable construction-related accessibility standards. (end underline)

(D) Professional license, or registration, issued by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer.

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code

(begin underline) **Section 133. CASp Examination Eligibility.**

A candidate is eligible to register for the CASp Examination upon confirmation and approval of eligibility for the Program by the State Architect or Designee. At each registration for the CASp Examination a candidate must submit:

- a) A completed form DSA 601: CASp Exam Registration (11/14/14), by the examination registration deadline.
- b) Payment of the CASp Open Book Exam fee and/or CASp Closed Book Exam fee, as applicable, by the examination registration deadline.
- c) A completed form DSA 602: CASp Test Accommodations Request (05/16/14) and form DSA 603: CASp Test Accommodations Request Questionnaire (05/16/14), as applicable and if requesting a test accommodation, at least two weeks before the examination registration deadline.

Authority: Section 4459.5, Government Code
Reference: Section 4459.5, Government Code (end underline)

(begin strikeout) **Section 134. Candidate Examination.**

~~An examination will be administered to assess each candidate's knowledge of access laws, codes and regulations. The examination may cover a variety of areas including:~~

- ~~a) Public Services (Title II), Public Accommodations and Services Operated by Private Entities (Title III), and Miscellaneous Provisions (Title V) of the Americans with Disabilities Act of 1990 (42 USC Chapter 126), and promulgating regulations, the Americans with Disabilities Act Accessibility Guidelines (ADAAG).~~
- ~~b) Regulations for accessibility throughout all parts of the current edition of the C.C.R., Title 24, California Building Standards Code.~~
- ~~c) California Laws for accessibility in the Government Code, Health and Safety Code, and Civil Code.~~
- ~~d) Fair Housing Amendments Act of 1988 (42 USC Sections 3601–3620) and promulgated technical guidance in the Fair Housing Accessibility Guidelines.~~
- ~~e) Architectural Barriers Act of 1968, as amended (42 USC Section 4151 et seq) and promulgating regulations, the Uniform Federal Accessibility Standards (UFAS).~~

- ~~f) American National Standard for Accessible and Usable Buildings and Facilities (ANSI A117.1).~~
- ~~g) California Department of Housing and Community Development (HCD) A Voluntary Model Universal Design Local Ordinance (AB 2787) (Chapter 726 of Statutes of 2002, adopted Section 17959 of the Health & Safety Code) most recent edition.~~
- ~~h) HCD New Home Universal Design Checklist (Section 17959.6 of the Health and Safety Code) the most recent edition.~~

Authority: Section 4459.5, Government Code

Reference: Section 4459.5, Government Code (end strikeout)

(begin underline) **Section 134. CASp Examination.**

The CASp examination is administered by the State Architect or Designee to assess each candidate's knowledge of laws governing the rights of individuals with disabilities, and knowledge and application of federal and state accessibility standards, codes, and regulations.

- a) The reference material on which the examination is based is as follows:
 - 1. Titles I, II, III, IV, and V of the Americans with Disabilities Act of 1990 (42 USC Chapter 126).
 - 2. Accessibility guidelines and standards as promulgated by the United States Access Board.
 - 3. Regulations for accessibility throughout all parts of the currently enforced and most recently published edition of the California Code of Regulations, Title 24, Part 2, California Building Code and Part 8, California Historical Building Code.
 - 4. California laws for accessibility in the Government Code, Health and Safety Code, Civil Code, and Code of Civil Procedure.
 - 5. Fair Housing Amendments Act of 1988 (42 USC Sections 3601–3620) and promulgated technical guidance in the Fair Housing Accessibility Guidelines.
 - 6. Architectural Barriers Act of 1968, as amended (42 USC Section 4151 et seq) and promulgating regulations, the Uniform Federal Accessibility Standards (UFAS).
 - 7. Sections 504 and 508 of the Federal Rehabilitation Act of 1973.
- b) The CASp examination is administered in two parts:
 - 1. CASp Open Book Exam, in which reference materials are provided at the examination by the State Architect or Designee for use in the examination.
 - 2. CASp Closed Book Exam, in which no reference materials are permitted in the examination.
- c) The passing standard for the examination is based on the standard of competence in the profession, in accordance with the NCCA Standards for the Accreditation of Certification Programs (NCCA, 2006) by the National Commission for Certifying Agencies.
- d) Successful completion of the CASp examination is established by attaining a passing score on both the CASp Open Book Exam and the CASp Closed Book Exam. Candidates who pass one part of the examination will be given conditional credit for the part passed and have three years from the date of the passed examination to pass the remaining examination. If the candidate does not pass both examinations within the three-year period, the candidate must take and pass both parts of the CASp examination anew.

Authority: Section 4459.5, Government Code

Reference: Section 4459.5, Government Code (end underline)

(begin strikeout) **Section 135. Certification Qualification.**

~~A candidate becomes eligible for certification as a CASp after attaining a passing score on the Candidate Examination, and after payment of the certification fee. The passing standard for the examination shall be established in accordance with professional standards such as the Standards for Educational and Psychological Testing (AERA/APA/NCMA, 1999), the Principles for the Validation and Use of Personnel Selection Procedures, the Federal Uniform Guidelines on Employee Selection Procedures (1978), and recommendations described in the Standards for the Accreditation of Certification Programs (NCCA, 2006) by the National Commission for Certifying Agencies (NCCA).~~

~~Upon successful completion of the Candidate Examination, an individual, after payment of certification fee, will receive an official CASp Certificate, which evidences the successful completion of the examination and certification as a CASp under the voluntary Certified Access Specialist Program. This certification will be valid for a three year period.~~

Authority: ~~Section 4459.5, Government Code~~

Reference: ~~Section 4459.5, Government Code (end strikeout)~~

(begin underline) **Section 135. Certification Eligibility.**

A candidate becomes certified as a CASp upon approval of eligibility for the Program and confirmation by the State Architect or Designee of successful completion of the certification process.

- a) A request for certification by the candidate is demonstrated by meeting all of the following conditions:
 1. Confirmation of eligibility in writing or otherwise to the State Architect or Designee.
 2. Attaining a passing score on the CASp Open Book Exam and CASp Closed Book Exam within the three-year conditional credit period.
 3. Taking a DSA-sponsored educational course regarding information affecting the services provided by a CASp.
 4. Submission of a signed and completed form DSA 650: Disclosure of Social Security Number and/or Federal Taxpayer Identification Number (11/14/14) to the State Architect or Designee.
 5. Payment of the certification fee.
- b) Upon issuance of certification, the CASp will receive an official CASp certificate. Certification is valid for a three-year period beginning the day of certification completion until the last day of the 36th month as listed on the CASp certificate.
- c) A CASp with valid certification will be added to the *List of Certified Access Specialists* published by the State Architect or Designee pursuant to Section 171.

Authority: Section 4459.5, Government Code

Reference: Sections 4459.5, 4459.7(a), and 4459.8(a), Government Code; Section 31, Business and Professions Code (end underline)

[LANGUAGE FROM SECTION 136 IS BEING REORGANIZED & RELOCATED TO SECTION 137.]

~~(begin strikeout) **Section 136. Certification Renewal.** A CASp becomes eligible for renewal of certification upon payment of a recertification fee, together with verification of having completed, during each three year period of certification, a minimum of 15 Continuing Education Units (CEU's), of classes in Federal and State regulatory updates, and Universal Design. Classes should address changes to the laws and regulations identified in Section 134. Each CEU is equivalent to one hour of instructional time. When a certificate holder meets all the requirements for recertification, the certificate holder will be certified for an additional three year period.~~

Authority: Sections 4459.5, Government Code

Reference: Section 4459.8(a) Government Code (end strikeout)

(begin underline) **Section 136. Continuing Education.**

15 continuing education units (CEUs) are required to be completed of all CASp during each three-year certification period.

- a) CEUs are issued accordingly:
 1. A minimum of five CEUs must be in coursework addressing regulatory updates to the accessibility provisions of the California Building Code. One CEU is granted per hour of instructional time.
 2. Coursework that increases knowledge and understanding of federal accessibility regulations, standards and guidelines; or coursework that relates to the services provided by a CASp. One CEU is granted per hour of instructional time.
 3. Equivalent activity credit in accordance with the following requirements:
 - a) Participation as a Subject Matter Expert on CASp examination development for the Division of the State Architect. One CEU is granted per session/day.

- b) Participation in formal discussion groups with CASps sponsored by the Certified Access Specialist Institute (CASI) addressing the accessibility provisions of the California Building Code. One CEU is granted per session.
- c) Instructing a course with technical content on the accessibility provisions of state and federal regulations, standards, and guidelines. A maximum of five CEUs will be granted. CEUs cannot exceed the credits given for the course.
- d) Published authorship and research projects in accessibility-related content. A one-time credit of five CEUs will be credited, unless a published update has occurred in a subsequent certification period.
- e) Volunteer involvement with groups that promote disability awareness. A credit of one CEU per hour of involvement will be granted, up to a maximum of five CEUs per certification renewal period. Volunteer involvement in a subsequent certification renewal period must be with a different disability awareness group in order to receive CEU credit.
- b) Continuing education must be completed prior to application for certification renewal.
- c) The State Architect or Designee may audit the records of a CASp on a random selection basis to verify the completion of the continuing education requirements of Section 136(a). A CASp shall maintain records of completion of continuing education for three years from the date of certification renewal and shall make those records available to the State Architect or Designee for auditing upon request.

Authority: Section 4459.5, Government Code
 Reference: Section 4459.5, Government Code

Section 137. Certification Renewal.

A CASp certification is renewed upon approval of continued eligibility for the Program and confirmation by the State Architect or Designee of successful completion of the certification renewal process.

- a) A request for certification renewal is demonstrated by the CASp by meeting all of the following conditions:
 - 1. Submission of form DSA 600-R: CASp Certification Renewal Application (11/14/14), including confirmation of eligibility in writing to the State Architect or Designee or otherwise.
 - 2. Demonstrated completion of a minimum of 15 CEUs for each three-year period of certification.
 - 3. Submission of the Disability Access Inspection Certificate Log required to be maintained by the CASp in accordance with California Civil Code 55.53 (e)(1), if applicable, to the State Architect or Designee.
 - 4. Payment of the certification renewal fees.
- b) Certification renewal documentation and payment of certification renewal fees must be received prior to the last day of the expiration month listed on the CASp certificate in order to avoid delinquency.
- c) Upon issuance of certification, the CASp will receive an official CASp certificate. Certification is valid for a three-year period beginning the day of certification completion until the last day of the 36th month as listed on the CASp certificate.

Authority: Section 4459.5, Government Code
 Reference: Section 4459.8(a), Government Code

Section 138. Certification Expiration.

If the requirements of Section 137 have not been satisfied, CASp certification is no longer valid.

- a) A certification that has expired may be renewed within one year of expiration, provided the holder of the expired certification has met the certification renewal requirements of Section 137(a), has paid the delinquency fee, and has received approval and confirmation of certification renewal by the State Architect or Designee. If so renewed, the three-year renewal period is established from the date of the original expiration date of the most recent certification period, when it shall expire if it is not again renewed.
- b) A certification which is not renewed within one year after its expiration may not be renewed. The holder of the expired certification may obtain a new certification by establishing anew the requirements as set forth in Section 135.

- c) The holder of an expired certification is required to return all unused and/or unissued Disability Access Inspection Certificates and the Disability Access Inspection Certificate Log to the State Architect or Designee pursuant to California Civil Code Sections 55.53(e)(1) and 55.53(e)(2). Upon request, the State Architect or Designee will provide reimbursement for any returned unused certificates at the same rate as the initial purchase price. Delivery fees will not be reimbursed.

Authority: Section 4459.5, Government Code

Reference: Section 4459.8(a), Government Code (end underline)

Article 4 – Fees

(begin ~~strikeout~~) **~~Section 141. Fees.~~**

~~In order to participate in the voluntary Certified Access Specialist Program, the following fees will be required:~~

- a) ~~Initial certification. The total in fees for initial certification is \$1,600.00~~
1. ~~\$500.00 Application Fee, for processing Candidate Application; non-refundable. This fee will cover the administrative cost of application processing and eligibility evaluation. It is required of all new candidates, and is due at the time the application is submitted.~~
 2. ~~\$800.00 Candidate Examination Fee, to take the Certification Examination; non-refundable. This fee will cover the cost of examination process administration. Fee is due at registration.~~
 3. ~~\$300.00 Certification Fee, for program administration over the initial three-year term of certification; non-refundable. Fee is due when candidate is notified of having passed the examination.~~
- b) ~~Certification renewal. The total in fees for certification renewal is \$500.00.~~
1. ~~\$200.00 Verification of CEU's prior to Certification Renewal. This fee is non-refundable and will cover administration costs for reassessment of qualifications related to renewal of certification, prior to expiration of the current term of certification. Fee is due with the application for certification renewal prior to expiration of current certification.~~
 2. ~~\$300.00 Certification Renewal Fee, for program administration over an additional three-year term of certification; non-refundable. Fee is due upon notification of approval of renewal.~~

Authority: Section 4459.8(b)-(c), Government Code

Reference: Section 4459.8(b)-(c), Government Code (end ~~strikeout~~)

(begin underline) **Section 141. Fees.**

Fees are required for Program participation and are non-refundable.

- a) Initial certification. The fees for initial certification are as follows:
1. Application Fee, to cover the administrative cost of application processing and eligibility evaluation. Fee is due at the time the application is submitted. Fee is determined by eligibility category.
 - (a) \$500.00 Application Fee for eligibility category A, B, and C.
 - (b) \$100.00 Application Fee for eligibility category D.
 2. \$400.00 CASp Open Book Exam Fee to cover the cost of examination registration processing and examination administration. Fee is due at registration for the examination and is charged each time the candidate is administered the examination.
 3. \$400.00 CASp Closed Book Exam Fee to cover the cost of examination registration processing and examination administration. Fee is due at registration for the examination and is charged each time the candidate is administered the examination.
 4. \$300.00 Certification Fee for Program administration over the initial three-year term of certification. Fee is due upon confirmation of approval of completion of the certification process by the State Architect or Designee.
- b) Certification renewal. The fees for certification renewal are as follows:

1. \$200.00 *Reassessment of Eligibility Fee*, for administration costs by the State Architect or Designee for reassessment of qualifications and successful completion of CEUs required for certification renewal. Fee is due with the application for certification renewal prior to expiration of current certification.
2. \$300.00 *Certification Fee*, for Program administration over an additional three-year term of certification. Fee is due upon notification of approval by the State Architect or Designee of having met certification renewal qualifications and requirements, and prior to expiration of current certification.
- c) Delinquency in certification renewal. A \$150.00 *Delinquency Fee* will be charged as penalty to the holder of the expired certification for failure to renew certification prior to certification expiration. Fee is due with the application for certification renewal and in addition to certification renewal fees.

Authority: Section 4459.5, Government Code

Reference: Sections 4459.8(b) and (c), Government Code (end underline)

[LANGUAGE FROM ARTICLE 5 IS BEING REORGANIZED & RELOCATED TO ARTICLE 6.]

(begin strikeout) Article 5 – Enforcement

Section 151. ~~Grounds for Certification Suspension, or Denial of Certification Renewal.~~

- a) ~~The State Architect or Designee may suspend certification or deny certification renewal when any of the following conditions exist:~~
 1. ~~The requirements of this subchapter have not been satisfied.~~
 2. ~~The certificate holder or recertification candidate has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of a person holding a certificate to perform the functions authorized by the certificate in a manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to the following:~~
 - (a) ~~A conviction of child abuse.~~
 - (b) ~~A conviction as a sex offender.~~
 - (c) ~~The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in Section 4022 of the Business and Professions Code.~~
 - (d) ~~A conviction for assault and/or battery or lewd conduct.~~
 3. ~~The State Architect has received a factual complaint, or other relevant information regarding the work of a certified access specialist. The State Architect, upon consideration of any factual complaints regarding the work of a certified access specialist or of other relevant information, may suspend certification or deny renewal of certification. The State Architect will be evaluating the work of the Certified Access Specialist based upon compliance with the existing codes, regulations and statutes.~~
- b) ~~The notice of suspension of a certificate or denial of a certification renewal shall be in writing and shall specify the grounds for the suspension or denial of the certification.~~

Authority: ~~Section 4459.8, Government Code.~~

Reference: ~~Sections 4459.5 – 4459.8, Government Code.~~

Section 152. ~~Criteria for Rehabilitation.~~ ~~When considering initial certification, suspension of certification, or denial of certification renewal on the grounds of Article 5, Section 151(a) of an applicant or certificate holder convicted of a crime, the State Architect or Designee in evaluating the rehabilitation of such person and his/her eligibility for examination or certification may consider the following criteria:~~

- a) ~~Nature and severity of the act(s) or offense(s).~~
- b) ~~The time that has elapsed since commission of the act(s) of offense(s).~~
- c) ~~If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~

Authority: ~~Sections 481, Business and Professions Code, and Section 4459.8, Government Code.~~

Reference: ~~Sections 480 and 481, Business and Professions Code and Sections 4459.5 – 4459.8, Government Code.~~

Section 153. Filing an Appeal.

- ~~a) The State Architect or his/her designee has the discretion to immediately order that a certification be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 151(a). The decision to temporarily invalidate a certification will be made on a case by case basis, as necessary to ensure public health, safety and welfare.~~
- ~~b) State Architect or his/her designee shall provide the CASp with written notice that their certification has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 151(a), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.~~
- ~~c) Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect, voluntary Certified Access Specialist Program, relevant to the issue being investigated.~~
- ~~d) An appeal of an action by the State Architect or his/her designee to suspend certification or to deny renewal of a certification must be filed in writing with the Division of the State Architect, voluntary Certified Access Specialist Program within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect. Unless a hearing is specifically requested as provided in subsection (f) below, the appeal will be based on an analysis of the materials available.~~
- ~~e) Within 60 days from the date of receipt of the appeal, the State Architect or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.~~
- ~~f) Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the applicant or CASp. The hearing shall be limited in scope to the actions stated in the written notice. The applicant may bring a representative of his/her choice.~~
- ~~g) The applicant or CASp shall be notified in writing of the determination made by State Architect or his/her designee regarding the appeal. Service of the written notice of the decision shall be confirmed by certified mail.~~
- ~~h) Any appeal of a decision rendered by the State Architect or his/her designee regarding certification may be appealed to the Superior Court.~~

Authority: — Section 4459.8, Government Code

Reference: — Sections 4459.5 — 4459.8, Government Code (end strikeout)

(begin underline) Article 5 – Professional Standards

Section 151. Professional Standards.

The conduct of a CASp shall be in accordance with the following professional standards:

- a) A CASp shall maintain eligibility for the Program throughout the period of certification. Only a CASp who has maintained eligibility and holds valid certification can use the designation of "Certified Access Specialist" and "CASp", and perform work requiring CASp certification. A change substantial to eligibility for the Program must be reported immediately by the CASp in writing to the State Architect or Designee. A change in contact information must be submitted by the CASp in writing to the State Architect or Designee in his or her application or otherwise within 10 business days of such change.
- b) Authorization to perform services shall be by written agreement bearing signature of both contracting parties. The agreement shall state the scope of work, the certification number of the CASp, the expiration date of certification, and shall indicate if the services provided include an inspection report and issuance of a Disability Access Inspection Certificate in accordance with the requirements of the Construction-Related Accessibility Standards Compliance Act.

- c) A CASp providing services through employment by or under the retainer of an authority having jurisdiction is not required to comply with Section 151(b).
- d) Inspection reports shall bear the signature and certification number of the CASp, which shall signify that the CASp has been on the subject site as part of the scope of services and can confirm the information stipulated in the inspection report.

Authority: Section 4459.5, Government Code

Reference: Section 4459.5, Government Code

Article 6 – Enforcement

Section 161. Grounds for Disqualification of Eligibility.

The State Architect or Designee may disqualify eligibility for the Program based on any of the following conditions:

- a) A determination that candidate qualifications are not commensurate with the eligibility category under which the candidate applied.
- b) The requirements of this subchapter have not been satisfied.
- c) Knowingly making a false statement of fact or knowingly omitting to state a material fact required to be revealed in the application for certification or renewal of certification.
- d) A conviction of a crime considered to be substantially related to the qualifications, functions, or duties of a CASp or prohibit performance in a manner necessary to ensure public health, safety or welfare. Such crimes shall include, but not limited to, the following:
 - 1. A conviction of child abuse.
 - 2. A conviction as a sex offender.
 - 3. The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in Section 4022 of the Business and Professions Code.
 - 4. A conviction for assault and/or battery or lewd conduct.
 - 5. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 - 6. A conviction of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit him or her or another, or substantially cause injury to another.
- e) A determination of the suspension, revocation, or denial of a professional license by a state licensing board.
- f) An individual whose name appears on a certified list of persons (obligators) who have not complied with a court order to provide child support payments, and fails to come into compliance within 150 days of issuance of a preliminary notice of suspension. The law prohibits the State Architect or Designee from refunding any money paid for the issuance or renewal of certification where the certification is denied or suspended as required by law.
- g) An individual who has outstanding tax obligations due to the Franchise Tax Board or the State Board of Equalization, whose name appears on either board's certified list of tax delinquencies, and fails to come into compliance within 90 days of issuance of a preliminary notice of suspension. The law prohibits the State Architect or Designee from refunding any money paid for the issuance or renewal of certification where the certification is denied or suspended as required by law.
- h) The State Architect or Designee has received a verified factual complaint; which may include acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another; or any other act constituting a cause for denial of eligibility, suspension of certification, or denial of certification renewal.
- i) Willful failure to report information and provide documentation to or as requested by the State Architect or Designee substantial to eligibility for the Program immediately upon determination. Documentation includes, but is not limited to certified court documents, certified court orders, sentencing documents, or documentation from a state licensing board that led to a determination of suspension, revocation, or denial of a professional license.

Authority: Section 4459.5, Government Code

Reference: Section 4459.5, Government Code; Sections 31, 480, 481, 493, 494.5, 498, Business and Professions Code

Section 162. Suspension of Certification or Denial of Certification Renewal

The State Architect or Designee may suspend certification or deny certification renewal based on disqualification of eligibility in accordance with Section 161, to ensure the public health, safety, and welfare.

- a) A notice of suspension of a certification or denial of a certification renewal shall be in writing, shall specify the grounds for the suspension, the effective date of the suspension or denial of certification renewal, and that the individual has the right to an informal appeal of the action taken by the State Architect or Designee.
 - 1. Service of the written notice of the action shall be by registered/certified mail addressed to the individual at the latest address filed by the individual in writing with the State Architect in his or her application or otherwise.
 - 2. Service by mail is complete on the date of mailing.
 - 3. The individual with suspended certification shall not use the CASp determination or perform work requiring CASp certification beyond the effective date of suspension.
 - 4. The individual will be removed from the *List of Certified Access Specialists* published by the State Architect.
 - 5. The individual will be required to return all unused and/or unissued disability access inspection certificates purchased and the Disability Access Inspection Certificate log to the State Architect or Designee pursuant to California Civil Code Sections 55.53(e)(1) and 55.53(e)(2). Upon request, the State Architect will provide reimbursement for any returned unissued certificates at the same rate as the initial purchase price. Delivery fees will not be reimbursed.
- b) Certification that is suspended and not reinstated prior to expiration of certification may not be renewed.

Authority: Section 4459.5, Government Code

Reference: Section 4459.8, Government Code; Section 494.5, Business and Professions Code

Section 163. Filing an Appeal.

An individual may appeal the suspension of certification or a denial of certification renewal by the State Architect or Designee. The appeals process is as follows:

- a) An appeal must be filed in writing to the State Architect or Designee within 60 days of the date posted on the registered/certified service by mail of the written notice of suspension or denial of certification renewal.
- b) The requestor shall be notified in writing of the determination made by the State Architect or Designee, regarding the appeal within 90 days. The determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or Designee.
- c) Unless a hearing is specifically requested, the appeal will be based on an analysis of the materials available at the time of the determination.
- d) If a hearing is requested, the State Architect or Designee may designate an appropriate hearing officer to conduct the hearing. Written notice of the date, time, and location of the hearing shall be provided to the requestor 60 days prior to the date of the scheduled hearing.
- e) The hearing shall be limited in scope to the actions stated in the written notice of suspension or denial of certification renewal.
- f) The requestor may bring a representative of his or her choice.
- g) Service of the written notice of decision shall be by registered/certified mail within 90 days of the hearing. The decision may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or Designee. A decision rendered by the State Architect or Designee may be appealed to the Superior Court.
- h) There shall be no stay of a determination/decision by the State Architect or Designee to suspend certification pending an appeal or review of any materials subject to the appeal.

Authority: Section 4459.5, Government Code

Reference: Section 4459.8, Government Code

Section 164. Criteria for Rehabilitation.

When considering eligibility for the Program of an individual disqualified as set forth in Section 161, the State Architect or Designee may consider the following criteria:

- a) Nature and severity of the act(s) or offense(s).
- b) The time that has elapsed since commission of the act(s) or offense(s).
- c) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- d) Demonstration of meeting the conditions for reinstatement of eligibility as determined upon the conclusion of the investigation of a violation that results in suspension of certification or denial of certification renewal.

Authority: Section 4459.5, Government Code

Reference: Sections 480 and 481, Business and Professions Code

Section 165. Reinstatement of Eligibility.

An individual may seek reinstatement of eligibility for the Program according to the following:

- a) A request for reinstatement of eligibility for the Program must be in writing to and subject to the discretion of the State Architect or Designee.
- b) The State Architect or Designee may reinstate suspended certification prior to certification expiration upon proof of compliance of all provisions of the decision as to reinstatement or, in the absence of that decision or any provisions therein as to reinstatement, in the sound discretion of the State Architect or Designee. If reinstated, no extension of the certification period will be granted and the certification will expire on the last day of the month as listed on the official CASp certificate.
- c) If reinstatement of eligibility for the Program is granted by the State Architect or Designee after certification expiration, the individual can elect to become a candidate for certification by establishing anew the requirements as set forth in Article 3, Sections 131 through 135.
- d) If after certification expiration a requestor/appellant has had eligibility for the Program reinstated through the appeals process according to Section 163, the requestor is subject to the requirements of Section 138(a) as a precedent to reinstatement, except the length of the delinquency period shall not be relevant to reinstatement.

Authority: Section 4459.5, Government Code

Reference: Section 4459.5, Government Code

Article 7 – Miscellaneous Provisions

Section 171. Public Information Disclosure.

The State Architect or Designee shall publish and make available to the public a *List of Certified Access Specialists* who hold valid certification. Minimum information required to be disclosed is the CASp name, CASp phone number, CASp certification number, and expiration date of certification.

Authority: Section 4459.5, Government Code

Reference: Section 4459.7(a), Government Code (end underline)